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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,989	01/22/2002	Hiroshi Sogabe	P21674	7810

7055 7590 12/03/2003

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RESTON, VA 20191

EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,989

Applicant(s)

SOGABE ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The examiner has studied applicants' response, filed 9-22-03, wherein applicants maintains that a office action from another application was apparently mailed for their review. The examiner has reviewed the instant application and agrees. It appears that applicants were mailed an office action belonging from another application. Accordingly, the examiner will remail the correct office action and restart the time to respond to same.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al(58912561) in view of Gillberg-LaForce).

The cited primary reference teaches the basic claimed invention including a transmission belt comprising a rubber composition and a cord comprising benzobisoxazole fiber embedded therein- col 1, lines 11-37.

The primary fails to expressly teach the treatment steps as claimed. The secondary reference, however, teaches that it is known in the art to perform several treating steps on transmission belts as taught by the primary reference during its formation- col 5, lines 5-58. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and perform such well known heating steps as taught ,during the practice of the patented primary reference.

in the alternative, it is further submitted that such claimed manipulative steps are of no patentable consequences to the instant question for patentability for the claimed invention is directed to article claims. Such claimed manipulative steps would have been obvious in the absence of unexpected results. Concerning claims 3 and 4, the cited references teaches the claimed limitations- see entire reference.

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Concerning claims 2 and 5, the primary reference teaches the claimed limitation in col 3, lines 29-45.

Concerning claims 9 and 10, the primary reference teaches that it would have been obvious in the art to employ desired weight percentages in its patent. See secondary reference, col 7, lines 58-65. It is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention is made to facilitate such weight percentages, as claimed, in the absence of unexpected results. Concerning claim 6, it is submitted that it would have been obvious to one of ordinary skill in the art to also immerse the obvious combined teachings of the cited reference, in the absence of unexpected results.

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Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al(5891561) in view of Gillberg-LaForce(4794041).

The cited primary reference teaches the basic claimed invention including treating a fiber with an epoxy compound and further coating the fiber with a resorcinol latex adhesive material- col 1, lines 11-37 and entire reference. The primary fails to expressly teach the treatment steps as claimed. The secondary reference, however, teaches that it is known in the art to perform several treating steps on transmission belts as taught by the primary reference during its formation- col 5, lines 5-58. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and perform such well known heating steps as taught ,during the practice of the patented primary reference. Such an articulated combination would have made the claimed invention obvious.

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Crystal Plaza Three Fax Center

A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any

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correspondence to Group 1700. The Patent Examining Fax Center new telecopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).

New! Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 703-872-9514. **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise noted by the examiner.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)308-0661.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 703-308-0013, Mondays to Thursdays, between 12 noon and 8 PM, eastern time .



Merrick Dixon

Primary Examiner

Group 1700